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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/070,006	05/13/2003	Gilbert Wolrich	10559-302US1	5728

7590

10/18/2005

Scott C Harris  
Fish & Richardson  
4350 La Jolla Village Drive  
Suite 500  
San Diego, CA 92122

EXAMINER
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PEIKARI, BEHZAD

ART UNIT	PAPER NUMBER
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2186

DATE MAILED: 10/18/2005

18

Please find below and/or attached an Office communication concerning this application or proceeding.

**UNITED STATES DEPARTMENT OF COMMERCE****U.S. Patent and Trademark Office**

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**Commissioner for Patents**

On April 22, 2004, an RCE was filed for this application.

On October 4, 2004 a Notice of Allowance was mailed to applicant's address of record on 4350 La Jolla Village Drive.


On December 6, 2004, several sheets of Information disclosure statements (entered into the file record as Paper #16) was filed. The IDS could not be considered since did not contain the required language and fee for an IDS submitted after notice of allowance; note 37 CFR 1.97(d). In fact the language "This filing is being made before receipt of a first Office action on the merits" led the examiner to realize that the address listed on the IDS was not the address of record.

Applicant's address changed, but applicant failed to communicate the change of address to the USPTO regarding to this application. The examiner made a courtesy call to applicant's representative at the new office in May, 2005 to say that the application would be abandoned, unless some evidence could be provided to show that a change of address notification prior was made to the PTO regarding this application prior to the mailing of the Notice of Allowance. The examiner was informed by applicants that the change of address had not been communicated in the present application.

However, October 4 Notice of Allowance was returned to the USPTO and made its way into the application papers, triggering an automatic remail of a Notice of Allowance on July 5, 2005 (to the address of record), thus rendering the IDS acceptable in accordance with 37 CFR 1.97(d).

However this communication is made to inform applicant that, upon review, the IDS cannot be considered for the reason that it is not in conformance with 37 CFR 1.98(a)(2)(i) since applicant has included only the first page of the ten WIPO documents, whereas the entire documents are required.

[The examiner further notes that this communication will be mailed to the original address of record. The examiner further notes that the deadline for payment of the issue fee was October 5, 2005, so the application is probably abandoned anyway.]

  
B. James Peikari  
Primary Examiner  
Art Unit: 2189